

FISCAL NOTE

HB 2793 - SB 2983

March 22, 2004

SUMMARY OF BILL: Provides that an order of protection will be considered in full force and effect when actually served on the person or when the person has acquired actual knowledge of the order. The bill provides a presumption that a person has actual knowledge if the person was properly served and failed to appear at the hearing on the order. The person will be presumed to have knowledge of the order of protection from the time of the hearing and will be presumed to know the contents of the order unless the contents are materially different from the ex parte order that originally summoned the person to attend the hearing. The bill specifies that aggravated assault occurs in these circumstances if the defendant commits the assault after having been enjoined or restrained by an order of protection.

ESTIMATED FISCAL IMPACT:

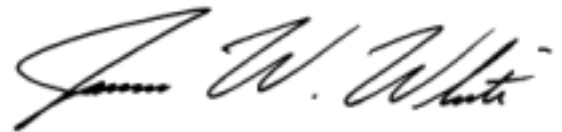
Increase State Expenditures - \$59,800/Incarceration*

Estimate assumes four persons or 1% increase over the 374 persons convicted and incarcerated for a Class C felony for aggravated assault.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director